

REMARKS

The drawing has been amended to correct minor errors noted in the Office Action and otherwise.

Claims 36-39 have been added to further particularly point out and distinctly claim subject matter regarded as the invention.

The amendments here presented are made for the purposes of better defining the invention, rather than to overcome the rejections for patentability. Support for the amendments herein presented can be found in the specification and claims as filed. No new matter has been introduced as a result of the amendments. Reconsideration and allowance is respectfully requested in view of the amendments and the following remarks.

Reconsideration of Election/Restriction Requirement (37 CFR 1.143)

The Office Action at paper number 17 asserts that claims 27-35 are drawn to a non-elected species (species A as illustrated in figures 2A-2F). The claims were withdrawn from further consideration pursuant to 37 CFR 1.142(b). The Office Action asserts that no allowable generic claim or linking claim exists. Applicant respectfully traverses the restriction of claims-27-35.

In paper number 4, Office Action dated July 6, 2001, an Election/Restriction was required under 35 USC 121. There is no record of a species A as illustrated in figures 2A-2F. The Office Action asserted that original claims 1-6 were drawn to a heat-pipe, classified in class 165, subclass 104.21. The Office Action designated claims 1-6 as Group I.

The Office Action asserted that original claims 7-16 were drawn to a method of manufacturing a heat pipe, classified in class 29, subclass 890.032. The Office Action designated claims 7-16 as Group II.

The newly presented claims 22-35 are also drawn to a heat pipe and are part of Group I as elected and filed on July 17, 2001 in the Amendment to the Office Action dated July 6, 2001, paper number 4. Claims 27-35, being part of claims 22-35, are drawn to a heat pipe and also are elected.

The Examiner should clearly set forth in the Office Action the reasons why the claims withdrawn from further consideration are not readable on the elected invention. It is respectfully requested that the Examiner provide reasons why the claims are not readable on the elected Group I to a heat pipe. (MPEP 821).

Thus, the restriction and withdrawal of claims 27-35 is improper. Applicant respectfully requests reconsideration of claims 27-35 and that the restriction be withdrawn. A provisional election of claims 27-35 is requested in the event that the restriction is not withdrawn.

The 35 U.S.C. § 102 Rejection

Claims 22-26 stand rejected under 35 U.S.C. § 102(b) as being allegedly anticipated by Blackmon et al. (U.S. Patent No. 5,150,748). This rejection is respectfully traversed.

Claims 22-26 have been canceled. Thus, the rejection is now moot.

Claims 22-26 stand rejected under 35 U.S.C. § 102(b) as being allegedly anticipated by Larson et al. (U.S. Patent No. 5,485,671). This rejection is respectfully traversed.

Claims 22-26 have been canceled. Thus, the rejection is now moot.

New independent claim 27 claims a heat pipe comprising a rigid plenum having a vaporization region coupled to a condensation region through a center section. A diamond wall is defined in at least one of the vaporization region and the condensation region. A capillary mass is disposed in the rigid plenum between the vaporization region and the condensation region. A cooling fluid is disposed in the rigid plenum. The cooling fluid has a liquid phase and a vapor phase within the rigid plenum.

The independent claim 27 is patentably distinct over the prior art of Blackmon et al. and Larson et al.

In view of the foregoing, it is respectfully requested that the rejection be withdrawn and it is respectfully asserted that the claims are now in condition for allowance.


Request for Allowance

It is believed that this Amendment places the above-identified patent application into condition for allowance. Early favorable consideration of this Amendment is earnestly solicited.

If, in the opinion of the Examiner, an interview would expedite the prosecution of this application, the Examiner is invited to call the undersigned attorney at the number indicated below.

Respectfully submitted,
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